

Doc Code: AP.PRE.REQ

PTO/SB/33 (07/05)

Approved for use through xx/xx/200x. OMB 0651-00xx
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

ITS.0008US (P17998)

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR

on June 6, 2006

Signature

Typed or printed
nameCynthia L. Hayden

Application Number

10/751,309

Filed

December 31, 2003

First Named Inventor

Nagesh K. Vodrahalli et al.

Art Unit

2874

Examiner

Michael J. Stahl

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐

applicant/inventor.

☐

assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒

attorney or agent of record.

Registration number 28,994☐

attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 _____

Signature

Timothy N. Trop

Typed or printed name

(713) 468-8880

Telephone number

June 6, 2006

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒*Total of 1 forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant:

Nagesh K. Vodrahalli et al.

Serial No.: 10/751,309

Filed: December 31, 2003

For: Multiplexing and Demultiplexing
Optical Signals

§
§
§
§
§
§
§
§
§

Art Unit: 2874

Examiner: Michael J. Stahl

Docket: ITS.0008US
P17998

Assignee: Intel Corporation

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**STATEMENT IN SUPPORT OF
PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Sir:

Claim 1 calls for demultiplexing and detecting a demultiplexer wavelength using an L-shaped detector. The claim is rejected as anticipated by Fan.

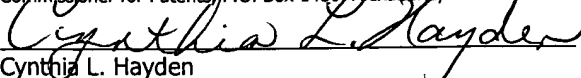
Fan has nothing to do with multiplexed optical signals and nothing to do with detecting demultiplexed wavelengths. Fan is a photodetector for a camera.

Certainly, there is no multiplexed optical signal in Fan. To suggest otherwise would be to claim that light in the air that might be imaged by the camera is a multiplexed optical signal. There is no basis for such a position and reconsideration would be appropriate.

Claim 12 was rejected under Section 103 based on a single reference. Logically and legally such a rejection cannot make out a *prima facie* case. Concededly, since Section 103 is relied upon, Takagi is missing an element.

Date of Deposit: June 6, 2006

I hereby certify under 37 CFR 1.8(a) that this correspondence is being deposited with the United States Postal Service as **first class mail** with sufficient postage on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Cynthia L. Hayden


Takagi cannot teach modifying itself. The suggestion that something is known in the art is belied by the admission that Takagi does not teach it. To the extent this "art" is intended to be relied upon, a reference should be cited. Similarly, the assertions of conventional remedies should be supported by citation of art. The suggestion of a string of items which are allegedly conventional remedies or known in the art does not suffice at this stage (upon final rejection) to make out a viable *prima facie* rejection.

No rationale to combine is asserted other than "accordingly it would have been obvious to a skilled person to integrate the additional filter with the photodetector in order to supplement filter 5 and obtain a higher isolation of the wavelength." But nothing anywhere in the prior art suggests such a thing. The rejection fails to make out a *prima facie* rejection and, based on a single reference, is legally and logically unsupportable.

Reconsideration would be appropriate.

Respectfully submitted,

Date: June 6, 2006



Timothy M. Trop, Reg. No. 28,994
TROP, PRUNER & HU, P.C.
1616 South Voss Road, Suite 750
Houston, TX 77057-2631
713/468-8880 [Phone]
713/468-8883 [Fax]

Attorneys for Intel Corporation